

# LEGISLATIVE UPDATE

January 26, 2018

Issue 4

*ejc Consulting*  
6147 VT RTE 116, Starksboro, VT 05487  
[ejcconsultingvt@gmail.com](mailto:ejcconsultingvt@gmail.com)  
802 233 9563

## WEEK 4

The Governor gave his budget address to the House and Senate on Tuesday. The continuing theme of growing Vermont's economy and making Vermont more affordable ran throughout the address.

The Governor's proposed budget comes in at \$3.87 billion, about \$80 million more than the current year's \$3.79 billion spending.

The following are some of the highlights of the address:

- An additional \$20 million toward unfunded pension liabilities
- \$25,958,048 in the FY19 Capital Budget Adjustment for clean water initiatives. This includes \$2,487,836 more than appropriated in FY18
- \$625,000 in incentives for renovating existing housing stock
- \$500,000 for technical education
- Training assistance for senior citizens looking to return to work
- \$3.2 million aimed at recruiting new Vermont residents
- \$100,000 to help small businesses recruit out of state workers
- \$400,000 in funding for small businesses and entrepreneurs looking to scale up

The work will now begin on the Legislative side to meet these recommendations and priorities without raising taxes or fees.

## WATER QUALITY

### **S-260 An act relating to funding the cleanup of State waters**

*This bill proposes to establish the Vermont Clean Water Authority to coordinate, manage, plan, and ensure accountability of the efforts of the State to clean up impaired waters, maintain and achieve the Vermont Water Quality Standards in all waters, and prevent the future degradation of waters. The bill would also establish a Clean Water Assessment on all parcels in the State. Monies collected under the Clean Water Assessment would be deposited in the Vermont Water Quality Fund to fund water quality improvement projects in the State.*

The Senate Natural Resources committee continues to work on this bill. A new aspect that was introduced this week was the "Citizen Right of Action." This would allow someone to bring action against the landowner, the Secretary of Agriculture or the

Secretary of ANR if it was believed that there was a violation of any statute, permit, certification, rule, or permit condition. There would be a 60-day period for the Agency to assess the allegation. If during that time a plan were put in place to address the issue a suit would not go forward.

This language was introduced Friday morning. I am sure that the Agencies will be providing testimony on this in the coming weeks. This legislation could impact development, agriculture, forestry or municipalities. The action would be heard in the Environmental Division of the Superior Court.

## **FORESTRY**

### **S-101 An act relating to the conduct of forestry operations**

This bill proposes to provide that certain forestry operations would not be subject to liability as a public or private nuisance.

**S-101** passed out of the Senate on Wednesday on a vote of 30 to 0. **S-101** is now in House Agriculture and Forestry committee.

### **S-276 An act relating to rural economic development**

The bill proposes changes to State law to encourage rural economic development. The bill would establish the Vermont Outdoor Recreation Business Alliance to promote and cultivate the outdoor recreation industry in Vermont. The bill would require Act 250 minor application status for sawmills producing one million board feet or less a year. The bill would support forest products industries through amendments relating to public schools that use wood energy and to the baseload renewable power portfolio requirement. The bill would require the Commissioner of Forests, Parks and Recreation to recommend conditions for removal of forestland from use value appraisal. The bill would require the Public Utility Commission to use a percentage of energy efficiency funds to deliver energy efficiency programs to customers with household incomes below 80 percent of the statewide median income. The bill would require the Commissioner of Public Service to report on how electric utility demand charges affect the siting of industrial enterprises in rural towns. The bill also would amend stormwater permitting fees for activities in industrial parks in rural areas or small towns.

The Senate Agriculture committee has taken significant testimony on **S-276** and will continue to take testimony all next week. There are many parts of this bill that cover a wide variety of subjects and the committee is working diligently to understand all aspects before voting the bill out of committee. As a new draft is developed I will update you as to what is in the bill.

## **TILE DRAINAGE**

## **S-254 An act relating to subsurface tile drainage**

This bill proposes to require the owner or operator of a large farm, a medium farm, or a small farm subject to small farm certification to report to the Secretary of Agriculture, Food and Markets the location of the outfall of subsurface tile drainage on a farm. The bill would also require the owner or operator of any farm to notify the Secretary of Agriculture, Food and Markets of the location of subsurface tile drainage prior to installation or construction.

The Senate Agriculture committee heard from the sponsor of the bill, Senator Ayer, on Thursday. The committee indicated that they took testimony last week from Eric Young, of Miner Institute, on the research that he is conducting and also from the Agency of Agriculture on the research that is being done by Stone Engineering and UVM Extension on tile drainage. I will keep you posted as to where this bill goes.

## **Toxics Liability Bill**

### **S-197 An act relating to liability for toxic substance exposures or releases**

This bill proposes to hold any person who releases a toxic substance strictly, jointly, and severally liable for any harm resulting from the release. The bill also proposes to establish a private right of action for medical monitoring damages incurred due to exposure to a toxic substance.

This proposal would, in a very broad sense, make anyone that releases a toxic substance liable for any harm resulting from the release. This bill could impact agriculture. I monitor and keep you posted.

### **Bills of interest introduced this week:**

**H-663 An act relating to municipal land use regulation of accessory on-farm businesses**

**H-678 An act relating to agricultural subsurface tile drainage**

**H-704 An act relating to valuation of a portion of a parcel where the portion is not enrolled in current use**

**H-729 An act relating to the creation of the Vermont Water Resources Board**

**H-730 An act relating to State response to waters in crisis**

Below is the link to the Vermont Legislative website  
**[Legislature.vermont.gov](http://Legislature.vermont.gov)**

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## **EVENTS OF INTEREST**

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**Room 11**

**Public Hearing on Vermont Firearms Laws**  
**January 30, 2018 - 5:30-7:30 p.m.**

**House Chamber**

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**19<sup>th</sup> Annual**  
**VERMONT DAIRY PRODUCERS CONFERENCE**  
**Tuesday February 27, 2018**  
**8:00 am to 4:00 pm**  
**DoubleTree by Hilton Hotel**  
**Formally the Sheraton**  
**Register at [vermontdairyproducers.com](http://vermontdairyproducers.com)**

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### **New Guidelines** **Independent Contractors**

The Department of Labor, issued new guidance stating that an employer cannot be assessed workers' compensation premiums or found to be liable under the workers' compensation code for workplace injuries incurred by an independent contractor if two conditions are met: 1) the independent contractor must be registered with the Secretary of State as an LLC or corporate owner; and 2) the contractor must have filed and received approval from the Department of Labor to opt out of workers' compensation coverage. Go to Vermont Department of Labor website for the official guidelines.

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Coming together is a beginning, keeping together is progress, staying together is success"

- Henry Ford

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